

Regular Session, 2012

SENATE BILL NO. 692

BY SENATOR NEVERS

CHILDREN. Provides for the care of students with diabetes. (gov sig)

AN ACT

To enact Part LXXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.351 through 1300.361, relative to care of students with diabetes; to provide for diabetes management and treatment plan; to provide for individualized health plans; to provide for unlicensed diabetes care assistants and training; to provide for self monitoring and treatment; to provide for immunity; to provide for reporting; to authorize the promulgation of rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part LXXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.351 through 1300.361, is hereby enacted to read as follows:

**PART LXXII. CARE OF STUDENTS WITH DIABETES**

**§1300.351. Short title**

**This Part shall be known and may be cited as the "Care of Students with Diabetes Act".**

**§1300.352. Application**

**This Part shall apply to all public elementary and secondary schools, their students, and employees.**

**§1300.353. Diabetes management and treatment plan**

**A. For each student with diabetes who seeks care for his diabetes while at school or while participating in a school activity, a diabetes management and treatment plan shall be developed and implemented. A submitted plan shall be developed by either of the following:**

**(1) The student's parent or guardian.**

**(2) The physician responsible for the student's diabetes treatment.**

**B. A diabetes management and treatment plan shall contain:**

**(1) A listing of the health care services the student may receive at school.**

**(2) An evaluation of the student's ability to manage his diabetes and the student's level of understanding of his diabetes.**

**(3) Signatures of the student's parent or guardian and the physician responsible for the student's diabetes treatment.**

**C. The parent or guardian of a student with diabetes shall submit to the school a copy of the student's diabetes management and treatment plan. The plan shall be submitted to and reviewed by the school by one of the following:**

**(1) Before or at the beginning of the school year.**

**(2) On enrollment of the student, if the student enrolls in the school after the beginning of the school year.**

**(3) As soon as practicable following a diagnosis of diabetes for the student.**

**§1300.354. Individualized health plan**

**A. For purposes of this Part, an "individualized health plan" shall mean a coordinated plan of care designed to meet the unique health care needs of a student with diabetes in the school setting.**

**B. If the parent or guardian of a student with diabetes who seeks care for the student's diabetes while the student is at school permits, the school**

1 principal and the school nurse, if a school nurse is assigned to the school, shall  
2 develop a student's individualized health plan in collaboration with the  
3 student's parent or guardian and, to the extent practicable, the physician  
4 responsible for the student's diabetes treatment, and one or more of the  
5 student's teachers.

6 C. The individualized health plan shall incorporate components of the  
7 student's diabetes management and treatment plan, including the information  
8 required under this Part. Once the school receives the student's diabetes  
9 management and treatment plan, the school shall develop a student's  
10 individualized health plan.

11 §1300.355. Unlicensed diabetes care assistant

12 A. For purposes of this Part, "unlicensed diabetes care assistant" shall  
13 mean a school employee who volunteers to be trained in accordance with this  
14 Part.

15 B. The principal of a school may:

16 (1) Seek school employees who are not health care professionals to serve  
17 as unlicensed diabetes care assistants and who may care for students with  
18 diabetes within the provisions of this Part.

19 (2) Make efforts to ensure that the school has at least one unlicensed  
20 diabetes care assistant if the school has a full-time nurse and at least three  
21 unlicensed diabetes care assistants if the school has no full-time nurse.

22 C. An unlicensed diabetes care assistant may serve under the  
23 supervision of the principal.

24 D. A school employee shall not be subject to any penalty or disciplinary  
25 action for refusing to serve as an unlicensed diabetes care assistant.

26 §1300.356. Training for unlicensed diabetes care assistant

27 A. The Department of Education shall develop rules and regulations  
28 pursuant to the provisions of the Administrative Procedure Act, with the  
29 assistance of the following entities, for the training of unlicensed diabetes care

**assistants:****(1) The Department of Health and Hospitals.****(2) The American Diabetes Association.****(3) The Juvenile Diabetes Research Foundation International.****(4) The American Association of Diabetes Educators.****(5) The Louisiana State Board of Nursing.**

**B. Training under this Section may be provided by a health care professional with expertise in the care of persons with diabetes or by the school nurse. The training may be provided before the beginning of the school year or as soon as practicable after one of the following:**

**(1) The enrollment of a student with diabetes at a school that previously had no students with diabetes.**

**(2) A diagnosis of diabetes for a student at a school that previously had no students with diabetes.**

**C. The training shall include:****(1) Recognizing the symptoms of hypoglycemia and hyperglycemia.**

**(2) Understanding the proper action to take if the blood glucose levels of a student with diabetes are outside the target ranges indicated by the student's diabetes management and treatment plan.**

**(3) Understanding the details of a student's individualized health plan.**

**(4) Performing finger-sticks to check blood glucose levels, checking urine ketone levels, and recording the results of those checks.**

**(5) Properly administering glucagon and insulin, and recording the results of the administration.**

**(6) Recognizing complications that require emergency assistance.**

**(7) Understanding the recommended schedules and food intake for meals and snacks for a student with diabetes, the effect of physical activity on blood glucose levels, and the proper actions to be taken if a student's schedule is disrupted.**

1                    D. The school nurse or principal may maintain a copy of the training  
2                    guidelines and any records associated with the training.

3                    §1300.357. Required information for certain employees

4                    Upon the written permission of the student's parent or guardian, a  
5                    school may provide to each school employee with the responsibility of providing  
6                    transportation for a student with diabetes or supervising a student with diabetes  
7                    during an off-campus activity a one-page information sheet that provides all of  
8                    the following:

9                    (1) The identity of the student with diabetes.

10                  (2) A description of potential emergencies that may occur as a result of  
11                  the student's diabetes and the appropriate responses to such emergencies.

12                  (3) The telephone number of a contact person in case of an emergency  
13                  involving the student with diabetes.

14                  §1300.358. Care of students with diabetes

15                  A. If a school has a school nurse assigned to the school, the school nurse  
16                  may perform the tasks necessary to assist a student with diabetes in accordance  
17                  with the student's individualized health plan. If a school has no school nurse  
18                  assigned to the school or the school nurse is unavailable, an unlicensed diabetes  
19                  care assistant may perform the tasks necessary to assist the student with  
20                  diabetes in accordance with the student's individualized health plan and in  
21                  compliance with any guidelines provided during training under this Part. An  
22                  unlicensed diabetes care assistant may perform the tasks provided by this Part  
23                  only if the parent or guardian of the student signs an agreement authorizing  
24                  such action by the unlicensed diabetes care assistant.

25                  B. If a school does not have a school nurse assigned to the school, one of  
26                  the following alternatives may be utilized:

27                  (1) An unlicensed diabetes care assistant may have access to an  
28                  individual with expertise in the care of persons with diabetes, such as a  
29                  physician, a registered nurse, a certified diabetes educator, or a licensed

1        **dietitian.**

2                **(2) The principal may have access to the physician responsible for the**  
3        **student's diabetes treatment.**

4                **C. Each school may adopt a procedure to ensure that a school nurse or**  
5        **at least one unlicensed diabetes care assistant shall be present and available to**  
6        **provide the required care to a student with diabetes during the regular school**  
7        **day.**

8                **D. A school shall not restrict the assignment of a student with diabetes**  
9        **to a particular school on the basis that the school does not have the required**  
10       **unlicensed diabetes care assistants.**

11               **E. An unlicensed diabetes care assistant who assists a student as**  
12       **provided for in this Part in compliance with a student's individualized health**  
13       **plan shall be exempt from any applicable state law or rule that restricts the**  
14       **activities that may be performed by a person who is not a health care**  
15       **professional.**

16               **F. An unlicensed diabetes care assistant shall exercise reasonable**  
17       **judgment in deciding whether to contact a health care provider in the event of**  
18       **a medical emergency involving a student with diabetes.**

19       **§1300.359. Self monitoring and treatment**

20               **In accordance with the student's individualized health plan, a school**  
21       **shall permit the student to attend to the management and care of the student's**  
22       **diabetes, which shall include:**

23               **(1) Performing blood glucose level checks.**

24               **(2) Administering insulin through the insulin delivery system the student**  
25       **uses.**

26               **(3) Treating hypoglycemia and hyperglycemia.**

27               **(4) Possessing on the student's person at any time any supplies or**  
28       **equipment necessary to monitor and care for the student's diabetes.**

29               **(5) Otherwise attending to the management and care of the student's**

**diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.**

**§1300.360. Immunity from civil damages**

**No physician, nurse, school employee, or school district shall be liable for civil damages or subject to disciplinary action under professional licensing regulations or school disciplinary policies as a result of the activities authorized by this Part when such acts are performed as an ordinarily reasonable prudent person would have acted under the same or similar circumstances.**

**§1300.361. Reporting**

**Any school that receives a properly filed diabetes management and treatment plan pursuant to this Part shall notify in writing the Department of Education and provide documentation on an annual basis that the school is in compliance with this Part.**

Section 2. Within one hundred eighty days of the effective date of this Act, the Department of Education shall promulgate rules and regulations pursuant to the Administrative Procedure Act implementing the provisions of this Act.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

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DIGEST

Proposed law provides for the Care of Students with Diabetes Act.

Proposed law provides for a diabetes management and treatment plan, which shall be developed by either of the following:

1. The student's parent or guardian.
2. The physician responsible for the student's diabetes treatment.

The diabetes management and treatment plan shall contain:

1. A listing of the health care services the student may receive at school.
2. An evaluation of the student's ability to manage and the student's level of understanding of his diabetes.

Proposed law provides for an individualized health plan, which means a coordinated plan of care designed to meet the unique health care needs of a student with diabetes in the school setting.

Proposed law provides if the parent or guardian of a student with diabetes who seeks care for the student's diabetes while the student is at school permits, the school principal and the school nurse, if a school nurse is assigned to the school, shall develop a student's individualized health plan in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment, and one or more of the student's teachers.

Proposed law provides for an unlicensed diabetes care assistant, which means a school employee who volunteers to be trained.

Proposed law provides the Department of Education shall develop rules and regulations pursuant to the provisions of the Administrative Procedure Act, with the assistance of the following entities, for the training of unlicensed diabetes care assistants:

1. The Department of Health and Hospitals.
2. The American Diabetes Association.
3. The Juvenile Diabetes Research Foundation International.
4. The American Association of Diabetes Educators.
5. The Louisiana State Board of Nursing.

Proposed law provides that with the written permission of the student's parent or guardian, a school may provide to each school employee with the responsibility of providing transportation for a student with diabetes or supervising a student with diabetes during an off-campus activity a one-page information sheet that provides:

1. The identity of the student with diabetes.
2. A description of potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies.
3. The telephone number of a contact person in case of an emergency involving the student with diabetes.

Proposed law provides if a school has a school nurse assigned to the school, the school nurse may perform the tasks necessary to assist a student with diabetes in accordance with the student's individualized health plan. Further, if a school has no school nurse assigned to the school or the school nurse is unavailable, an unlicensed diabetes care assistant may perform the tasks necessary to assist the student with diabetes in accordance with the student's individualized health plan and in compliance with any guidelines provided during training under the proposed law.

Proposed law provides an unlicensed diabetes care assistant may perform the tasks provided by the proposed law only if the parent or guardian of the student signs an agreement authorizing such action by the unlicensed diabetes care assistant. Furthermore, if a school does not have a school nurse assigned to the school, one of the



following alternatives may be utilized:

1. An unlicensed diabetes care assistant may have access to an individual with expertise in the care of persons with diabetes, such as a physician, a registered nurse, a certified diabetes educator, or a licensed dietitian.
2. The principal may have access to the physician responsible for the student's diabetes treatment.

Proposed law provides an unlicensed diabetes care assistant who assists a student as provided for in the proposed law in compliance with a student's individualized health plan shall be exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health care professional.

Proposed law provides an unlicensed diabetes care assistant shall exercise reasonable judgment in deciding whether to contact a health care provider in the event of a medical emergency involving a student with diabetes.

Proposed law provides for immunity from civil damages.

Proposed law requires any school that receives a properly filed diabetes management and treatment plan pursuant to the proposed law to notify in writing the Department of Education and provide documentation on an annual basis that the school is in compliance with the proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S.40:1300.351 through 1300.361)